

Tribal Consultation Practice in the UIC Program

Issue: Consultation practice varies from region to region. It appears that Region III has adopted a liberal approach to consultation.

Regional Practice:

Region 8 - Jim Bennett spoke with Region 8 UIC program section chief, to determine how they offer consultation for their DI programs. Region 8 historically only offered consultation for projects that were directly in what he termed “Indian Country”. Recently, they did offer consultation for a project for Uranium mining due to the fact the project included exempting an aquifer for protection and the Region knew it would be challenged. Typical Class II projects like those proposed in Pennsylvania were only offered if on tribal lands.

Region 2 - Brian Hamilton reported that Region 2 typically does not offer consultation off of the Seneca Nation’s territory and also base their decision on resources available to consult. An example of what was considered not consultable by Region 2 is the following:

McCracken Oil and Gas LLC applied to the U.S. Environmental Protection Agency (EPA) Region 2 for a new Underground Injection Control (UIC) permit to operate a Class II enhanced oil recovery injection wells. The wells are located at approximately 42.007333 north latitude and -78.602389 west longitude, Town of Carrollton, NY. This project was not offered for consultation by Region 2. For reference this project is approximately 15 miles from the Seneca Nation territory and the Roulette project is approximately 40 miles from the Seneca Nation territory.

Region 3 – OCTEA is meeting with the Seneca Nation on 3/19 to discuss the extent of their interest in Pennsylvania for consultation. The map the Nation shared for aboriginal lands that included most of western Pennsylvania. OCTEA was hoping to limit the scope to the Allegheny Watershed and WD suggested it should be the headwaters prior to flowing into New York.

Current Permit Applications in the Allegheny Watershed:

Roulette

On September 18, 2020, Roulette submitted a UIC permit application for the conversion of one active production well to a class II-D disposal injection well located in the Clara Field in Clara Township, Potter County, Pennsylvania. On December 31, 2020, the Region published a Public Notice in the Potter Leader-Enterprise newspaper and on the EPA’s website soliciting comments on the draft permit. The public comment period was to conclude on February 1, 2021. A virtual public hearing was also held on February 2, 2021 to solicit oral comments from interested parties. In light of the Region’s receipt of requests to extend the public comment period,

including a January 28, 2021 written extension request received from the Nation, the Region has extended the public comment period for an additional thirty days through April 5, 2021.

Bull Run

On October 8, 2020, the UIC program received an application from Bull Run for the conversion of two (2) active production wells, Curtis Lot 2 #12 (API 37-083-55309) and Curtis Lot 2 #13 (API 37-083-55310), to two (2) operating Class II-R enhanced recovery injection wells. Enhanced recovery is a process whereby fluid is injected into a geologic formation to help produce additional oil within the formation that was not produced during the original primary oil production process. The draft permit will have a thirty (30) day public comment period. If there is significant public interest a virtual public hearing will be held to solicit oral comments from interested parties.

The proposed UIC wells are located in the Allegheny National Forest at the Curtis Lot 2 in Lafayette Township, McKean County, Pennsylvania. The coordinates for the injection wells are: Curtis Lot 2 #12 Latitude 41° 50' 19.42" and Longitude -78° 43' 7.20" Curtis Lot 2 #13 Latitude 41° 50' 19.69" and Longitude -78° 42' 58.43"

Catalyst

On December 8, 2020, the UIC program received an application from Catalyst for a UIC Class II-D commercial permit. The proposed injection well was drilled by Belden and Blake Corporation in 1990 to a total depth of 5,420 feet and completed in the Onondaga Reef Formation through perforations from 5,170 feet to 5,188 feet below ground surface. The applicant requests an injection volume of 100,000 barrels per month and a surface pressure limit of 2,889 pounds per square inch (psi). The draft permit will have a thirty (30) day public comment period. If there is significant public interest a virtual public hearing will be held to solicit oral comments from interested parties.

The proposed UIC well is located near the community of Cyclone, in Keating Township, McKean County, Pennsylvania. The coordinates for the injection well are: Catalyst energy lot 580-1 well Latitude 41° 49' 50.109" and Longitude -78° 34' 54.2634"

Sandstone Development

On March 14, 2021, Sandstone Development, LLC submitted a new UIC Class II-R Enhanced Recovery permit application. Sandstone intends to convert an existing production well in at the Moody Lot 5, Bradford Township, McKean County, Pennsylvania into a Class II-R injection well for the enhanced recovery of oil and gas in the Bradford Third sandstone formation. Consultation for this permit has not been offered as of March 15, 2021.